

Image

1647

MORGAN L. FITCH, JR.
FRANCIS A. EVEN*
JULIUS TABIN
JOHN F. FLANNERY
ROBERT B. JONES
JAMES J. SCHUMANN
JAMES J. HAMILL
TIMOTHY E. LEVSTIK
JOSEPH E. SHIPLEY
KENNETH H. SAMPLES
PHILIP T. PETTI
JOSEPH T. NABOR
STEVEN C. SCHROER
RICHARD A. KABA*
KARL R. FINK
MARK W. HETZLER
TIMOTHY P. MALONEY
JAMES P. KRUEGER
STEPHEN S. FAVAKEH
EDWARD W. GRAY, JR.*
RICHARD E. WAWRZYNIAK
STEVEN G. PARMELEE
SHERRI N. BLOUNT*
BRUCE R. MANSFIELD
KENDREW H. COLTON*
G. PAUL EDGELL*
RICHARD W. SCHUMACHER
MICHAEL A. SANZO*



FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

Established in 1859

SUITE 401L - 1801 K STREET, NW
WASHINGTON, D.C. 20006-1201

TELEPHONE (202) 419-7000

FACSIMILE (202) 419-7007

ILLINOIS OFFICE

SUITE 1600 - 120 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS 60603-3406

TELEPHONE (312) 577-7000

CALIFORNIA OFFICE

SUITE 250 - 9276 SCRANTON ROAD, SAN DIEGO, CA 92121-7707

TELEPHONE (858) 552-1311

COLORADO OFFICE

SUITE 213 - 1942 BROADWAY, BOULDER, COLORADO 80302

TELEPHONE (303) 402-6966

CHRISTOPHER E. GEORGE*
SCOTT J. MENGHINI
EDWARD E. CLAIR
SANDRA V. SCAVO
JON A. BIRMINGHAM
RUDY KRATZ
RAMON R. HOCH*
JOHN E. LYHUS
STEVEN M. FREELAND
DONNA E. BECKER
SEAN R. O'DOWD
MICHAEL G. VRANICAR
BRIAN S. CLISE
MARTIN R. BADER
DEREK L. PRESTIN
MARK A. BORSOS
DAVID R. JAGLOWSKI
W. BRIAN EDGE*

PATENT AGENTS

ERIC J. WHITESELL
JONATHAN H. BACKENSTOSE
LILIA I. SAFONOV

OF COUNSEL

THOMAS F. LEBENS
GEORGE W. SPELLMIRE, JR.
LISA M. SOMMER

February 17, 2004

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: Response to Restriction Requirement and
Amendment to Comply with Sequence Listing Rules
Appl. No.: 09/978,178
Filed: October 17, 2001
Title: **Peptides Derived from the Human
Amyloid Precursor Protein**
Inventor(s): Rogers, Jack
Atty. Dkt.: 7570/73272

Dear Sir:

The following documents are being submitted herewith for appropriate action by the U.S.
Patent and Trademark Office:

1. Response to Restriction Requirement;
2. A copy of the Detailed Action - Sequence Rules;
3. Amendment to Comply with Sequence Listing Rules;
4. Paper copy of substitute Sequence Listing;
5. A 3.5 inch diskette containing a computer readable form of the
substitute Sequence Listing; and
6. Return postcard.

*ADMITTED TO D.C. BAR; D.C. PRACTICE OF
ALL OTHERS LIMITED TO FEDERAL COURTS
AND AGENCIES

Commissioner of Patents
February 17, 2004
Page 2

Applicant does not believe that any fees are due for the filing of these documents. However, the Commissioner is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, to our Deposit Account No. 06-1135 under Order No. 7570/73272.

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive, flowing style.

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicant

MAS:ct
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Rogers, Jack

Appl. No.: 09/978,178

Filed: October 17, 2001, 2001

For: Peptides Derived from the Human Amyloid\
Precursor Protein

Group Art Unit: 1647

Examiner: R. Hayes

Atty. Dkt. 7570/73272

Response to Restriction Requirement

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Office Action dated January 21, 2004, in which the Examiner imposes a restriction requirement on the above-captioned application, Applicant hereby elects the inventions of restriction Group II. This includes claims 6-7f and 12f directed to peptides having a sequence corresponding to that of SEQ ID NO:7. Applicant respectfully requests that the claims in the non-elected restriction groups be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fees, other than those that may be already provided for herewith, are required for the filing of the present document. Nevertheless, any additional fees that may be required may be charged to our Deposit Account No. 06-1135 under Order No. 7570/73272.

If the Examiner believes that a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202)419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: *Michael A. Sanzo*
Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicant

Date: *February*, 2004
1801 K St., NW, Suite #01L
Washington, DC 20006
(202)419-7013



DETAILED ACTION

Sequence Rules

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because 37 CFR 1.821 (a)(2)(c-d) states that *each sequence disclosed must appear separately* in the "Sequence listing" and *in the text of the description* and claims whenever described. In other words, Figure 1 on page 4 of the specification needs to be amended to indicate the appropriate SEQ ID NOs described. See MPEP 2422 & 2431. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Note that failure to respond to both the requirements for sequence compliance and the restriction requirement below will be held as nonresponsive, and may result in abandonment of this application.

Election/Restriction

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, 7a-e & 12a-e, drawn to peptides comprising SEQ ID NO: 1, and compositions thereof, classified in class 530, subclass 324.
- II. Claims 6-7f & 12f, drawn to drawn to peptides consisting of SEQ ID NO: 7, and compositions thereof, classified in class 530, subclass 326.
- III. Claim 8a-e, drawn to an antibody generated toward a peptide comprising SEQ ID NO: 1, classified in class 530, subclass 387.1.
- IV. Claim 8f, drawn to an antibody generated toward a peptide consisting of SEQ ID NO: 7, classified in class 530, subclass 387.1.